



PATENT
Attorney Docket No. 9140.0025-00
Customer No. 22,852

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
DAWES, David) Group Art Unit: 2883
Application No.: 10/650,461) Examiner: DUPUIS, Derek L.
Filed: August 27, 2003)
For: OPTICALLY COUPLING INTO HIGHLY) Confirmation No.: 7106
UNIFORM WAVEGUIDES)

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER
37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), the Commissioner is hereby authorized to charge the fee of \$180.00 to Deposit Account No. 06-0916 as specified by Section 1.17(p).

Copies of the listed foreign and non-patent literature documents are attached. Copies of the U.S. patent publications are not enclosed.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

English translations of two of the non-English documents are enclosed (DE 37 38 738 C1 and JP 5-230642 A). English language Abstracts are enclosed for EP 1092 689 A1, JP 7-224379 A and JP 7-233469 A, as noted on the Form PTO/SB/08 submitted concurrently herewith.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an “adverse decision” by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of “substantially similar claim[s]” to the Office. Accordingly, although Applicant is not representing that the Office Actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicant has listed the substantive Office Actions filed in co-pending applications on the enclosed Form PTO/SB/08.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute “prior art.” If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute “prior art” under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

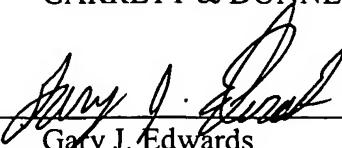
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 10, 2006

By: 
Gary J. Edwards
Reg. No. 41,008

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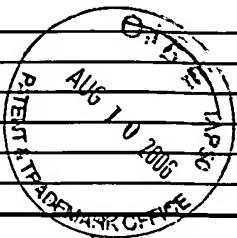
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| <i>Filing Date</i> | August 27, 2003 |
| <i>First Named Inventor</i> | DAWES, David |
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**U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS**

| Examiner Initials* | Cite No. ¹ | Document Number | Issue or Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

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FOREIGN PATENT DOCUMENTS

WO 2006/063308 A2 06/15/2006 Symmorphix, Inc.

NON PATENT LITERATURE DOCUMENTS

| Examiner Initials ⁵ | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation ⁶ |
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| NON PATENT LITERATURE DOCUMENTS | | | |
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| Examiner Initials | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation ⁶ |
| | | Office Action issued on June 15, 2005 in U.S. Application No. 10/291,179 (Atty. Docket No. 09140.0001-00). | |
| | | Response to Office Action filed on October 17, 2005 in U.S. Application No. 10/291,179 (Atty. Docket No. 09140.0001-00). | |
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| | | Notice of Allowance mailed August 6, 2002, for US Patent No. 6,506,289 (Atty. Docket No. 09140.0002-01). | |
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| | | Response to Office Action filed February 28, 2006 in U.S. Application No. 09/903,081 (Atty. Docket No. 09140-0014-00). | |

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| | | Final Office Action mailed May 8, 2006 in U.S. Application No. 09/903,081 (Atty. Docket No. 09140-0014-00). | |
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| | | Office Action issued on August 4, 2005, in U.S. Application No. 10/101,863 (Atty. Docket No. 09140.0016-00). | |
| | | Response to Office Action filed December 5, 2005, in U.S. Application No. 10/101,863 (Atty. Docket No. 09140.0016-00). | |
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| <i>Application Number</i> | 10/650,461 |
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| <i>First Named Inventor</i> | DAWES, David |
| <i>Art Unit</i> | 2883 |
| <i>Examiner Name</i> | DUPUIS, Derek L. |
| <i>Attorney Docket Number</i> | 09140.0025-00 |

| NON PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|-----------------------|---|--------------------------|
| Examiner Initials' | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation ⁶ |
| | | Office Action issued on August 8, 2005 in U.S. Application No. 10/101,341 (Atty. Docket No. 09140-0017-00). | |
| | | Response to Office Action filed on November 8, 2005, in U.S. Application No. 10/101,341 (Atty. Docket No. 09140-0017-00). | |
| | | Office Action issued on February 13, 2006, in U.S. Application No. 10/101,341 (Atty. Docket No. 09140-0017-00). | |
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| Examiner Signature | Date Considered |
|--------------------|-----------------|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

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| <i>Attorney Docket Number</i> | 09140.0025-00 |

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| | | PCT International Preliminary Report on Patentability for Application No. PCT/US2004/014524, dated December 8, 2005 (Atty. Docket No. 09140.0033-00304). | | |
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